

Minutes of the East Montpelier Selectboard

June 21, 2021 Selectboard Meeting

This meeting was conducted remotely using the Zoom conferencing platform with the town office building serving as the 1 V.S.A. §312(a)(2)(D) designated physical location. Participation options were provided to the public.

SB Attendance: Chair Seth Gardner, Judith Dillon, Jon Jewett and Carl Etnier; Town Administrator Bruce Johnson; Chair Gardner, Mr. Jewett and Mr. Etnier were in attendance at the town office building.

Public Attendance: Town Clerk Rosie Laquerre; Town Treasurer Don Welch; Planning Commission Chair Zach Sullivan; David Delcore, Times Argus; Michael Duane

Chair Gardner called the meeting to order at 6:30 p.m.

Additions to Agenda: None

Minutes:

Chair Gardner presented the draft minutes of the June 7, 2021 board meeting.

Motion: To approve the June 7, 2021 minutes as presented. Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

Chair Gardner presented the draft minutes of the June 15, 2021 board meeting.

Motion: To approve the June 15, 2021 minutes as presented. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Public Comment:

Michael Duane requested that he be allowed to make a statement regarding the “Discussion on Emergency Services Agreement” agenda item as it was listed as a potential executive session item. Chair Gardner encouraged Mr. Duane both to give his statement now and to participate when the agenda item came up as the board was unlikely to go into executive session.

Mr. Duane expressed his desire to have the East Montpelier Fire Department’s annual fire and ambulance service budget requests split off into separate articles on the town meeting warning rather than listed as line items in the Selectboard’s general fund budget. He would like for voters to have a direct say on the EMFD budget requests.

Town Clerk Report: Rosie Laquerre, Town Clerk

➤ Annual Reporting on Records Management and Records Retention

- Clerk Laquerre proposed no changes to the town’s records management protocols. The state’s Records Retention Committee has not met during the pandemic.

- Access to the land records has been maintained for the most part throughout the pandemic. Clerk Laquerre limited access to an appointment-based, one-at-a-time system last year and intends to continue some level of limited access due to the office's small size and poor traffic flow.
- Discussion shifted to the use of ARPA (American Rescue Plan Act) money or other funding sources to continue the town's effort to digitize land records. Currently we've digitized the bulk of the land records back to 1988. It would be beneficial to the town both for resiliency and accessibility purposes to get all the records into the digital system. Clerk Laquerre will look into the costs of digitization for the records that remain outside the system so that the board has that information at hand when the use of ARPA funding hits center stage.

Consideration of Warrant to Impound Unlicensed Dogs

The board reviewed the annual statutory warrant to impound unlicensed dogs. Mr. Etnier recused himself from the decision and, wearing his hat as the town's animal control officer, requested that the board alter the language in the second paragraph to better align with the changes to the first paragraph made last year. The revisions done last year were designed to emphasize the permissive nature of the warrant to impound dogs. The proposed alterations would impose an obligation on the animal control officers to report on the numbers of dogs impounded under the authority of the warrant.

Motion: To accept the revised language, to approve the 2021 Warrant to Impound Unlicensed Dogs and to authorize Chair Gardner to sign the warrant on behalf of the full board. Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously (Mr. Etnier recused himself).

Town Treasurer Report: Don Welch, Town Treasurer

➤ Monthly Financial Report & Near End of Fiscal Year Budget Status Report

- Treasurer Welch presented the status report showing a likely surplus in the area of \$225,000 to \$250,000 at the end of FY2021, subject to any decisions the board makes this evening regarding assigning current year funds.

➤ End of Fiscal Year Fund Balance Policy Determinations

- The town's fund balance policy requires the board to commit funds by end of the fiscal year, June 30th, if it wants to restrict use of the current budget surplus for specific purposes.
- Mr. Welch notified the board that he expects to retire by the end of June 2022. He is open to leaving earlier if circumstances allow, but his main concern is having a transition period where he can work with the new treasurer to train that person in the intricacies of the town's financial management.
- **Motion: To assign the current FY2021 budget surplus in the following manner:**
 - **\$10,000 to be added to the funds set aside to cover the future costs of allowable leave reimbursements at the time of employee termination;**
 - **\$25,000 to be set aside to provide funding for a town treasurer transition period; and,**
 - **\$50,000 to be added to the Capital Reserve Fund to cover expected capital costs that have not yet been integrated into the capital plan.**

Further, \$100,000 of the unassigned current fund balance shall be assigned to reduce property taxes in FY2022. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Consideration of FY2021 Audit Sullivan Powers Agreement

In December 2019 the town signed an agreement with Sullivan, Powers & Co., P.C. to do the town's financial audits for FY2020, 2021 & 2022. The company likes to "certify" the individual year components, when they come up, for multi-year agreements and so has presented an agreement for the town's FY2021 financial audit. The agreement's boilerplate language has changed slightly, due to accounting standard shifts, since the town signed off on the 3-year agreement in 2019. The actual terms, including the \$15,100 cost, remain the same.

Motion: To accept the Sullivan, Powers & Co., P.C. agreement to conduct the town's FY2021 financial audit as a certification of the prior existing agreement and to authorize Chair Gardner to sign the agreement on behalf of the board. Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

Discussion on American Rescue Plan Act Funding Process

The town is in line for \$133,529 in the first round of ARPA funding with the same amount expected to be released next year. There is no final determination as yet whether any or all of the county funds will be coming to municipalities. The deadline to request the funding is phrased as 30 days after the state requests funding. VLCT believes the deadline is likely to be on or around July 23rd. To be eligible to receive the funding the board must agree to the U.S. Treasury Department's terms and conditions and to comply with Title VI of the Civil Rights Act of 1964. The board also needs to designate an authorized representative to handle the documentation necessary to secure the funding.

The board reviewed the conditions mandated to receive the funding and decided to accept the terms. There are still numerous questions as to the possible uses of the funding and exactly how much will be coming to East Montpelier, with the situation expected to become clearer over the coming months. Both VLCT and CVRPC have been provided funding to assist the towns in all phases of the ARPA funding process.

Motion: To apply for American Rescue Plan Act funding, to accept the U.S. Treasury Department's terms and conditions as well as agree to comply with Title VI of the Civil Rights Act of 1964, and to designate TA Johnson as the town's authorized representative for the ARPA funding process. Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.

Consideration of Contracts for Shift of Employee Life & Disability Insurance to Madison National Life

As part of the move of the VLCT-sponsored employee life & disability insurance coverages from Lincoln Financial to Madison National Life taking effect on July 1, 2021, MNL has crafted contracts (one each for life, long-term disability and short-term disability) that each municipality needs to sign. The contracts are boilerplate with the individual benefit program specifics for each town listed on the first page. Board members reviewed the contracts and agreed to accept them.

Motion: To accept the Madison National Life contracts for employee life & disability insurance coverage and to designate TA Johnson as the town's authorized representative for completion of the agreements. Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.

Appointments: Annual Charter-based Appointments

Chair Gardner presented the annual slate of town charter-based appointments.

Motion: To appoint the following officers for terms as specified:

Rosie Laquerre as Town Clerk; term July 1, 2021 – June 30, 2022;
Don Welch as Town Treasurer; term July 1, 2021 – June 30, 2022;
Don Welch as Collector of Current Taxes; term July 1, 2021 – June 30, 2022;
Denise Sparrow as Assistant Town Clerk; term July 1, 2021 – June 30, 2022;
Denise Sparrow as Assistant Town Treasurer; term July 1, 2021 – June 30, 2022;
Bruce Johnson as Zoning Administrator; term July 1, 2021 – June 30, 2022;
Bruce Johnson as Collector of Delinquent Taxes; term July 1, 2021 – June 30, 2022;
Bruce Johnson as Road Commissioner; term July 1, 2021 – June 30, 2022;
Gene Troia as Acting Zoning Administrator; term July 1, 2021 – June 30, 2022;
Seth Gardner as Road Commissioner; term July 1, 2021 – June 30, 2022.

And to authorize Chair Gardner to sign the required certificates of appointment for the clerk and assistant clerk on behalf of the board. Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

Consideration of Employee Pay Rates for FY2022
[Potential Executive Session]

The board tabled this item until the end of the meeting due to the likelihood that there would be an executive session discussion.

Discussion on Emergency Services Agreement
[Potential Executive Session]

Board members decided to hold this discussion in open session.

The East Montpelier Fire Department provides emergency services to the towns of Calais and East Montpelier under the terms of an agreement originally executed in 2013. That agreement renews annually unless one of the parties submits a timely notice of non-renewal. Calais submitted such a notice on March 30, 2021, seeking to negotiate a new emergency services agreement prior to the expiration of the current agreement at midnight on September 1, 2021. The Calais Selectboard came to the EM Selectboard's June 7, 2021 meeting to provide an explanation of the concerns the Calais board has with the current agreement.

Calais has now provided a draft agreement that includes changes to current terms:

- Article 1 has two changes:
 - Notice of non-renewal needs to be submitted no later than 3 months in advance of the agreement's renewal date; current agreement requires 5 months advance notice; and,
 - The agreement term shifts from successive 1-year rollovers to a maximum length of three years.
- Article 6 is completely rewritten:
 - The existing methodology mandates different protocols for EMFD annual operating budgets, which are supposed to be presented as part of the town's general fund budget,

- and EMFD capital expenses, which are handled in a manner at the discretion of the individual town's Selectboard; and,
- The new language eliminates the distinction and leaves presentation of both to the discretion of the individual town's Selectboard.

The board reviewed the proposed changes, focusing intently on the new wording in Article 6. Although some board members sympathized, to a degree, with the desire to give voters an opportunity to have a direct say on the EMFD budget requests, concerns were raised over the lost sense of partnership in the new language and how these changes would play out under certain scenarios.

The board decided to continue its discussion at the July 12th board meeting with the intent to produce a response to the Calais proposal at that time.

Discussion on Town Management in Light of COVID-19

As municipalities and other organizations continue to make the move toward resuming in-person meetings, the board decided to once again consider revising its municipal operations order. The town office building is now functionally ready to reopen, with the meeting room set up for use and the front vestibule & lobby back in shape for public accessibility. With three of the board members participating in the remote meeting from the town office's meeting room due to the possibility of power outages from the stormy weather, the meeting turned into a test run for a form of hybrid meeting, highlighting both the positive elements and areas where work was still needed. The board decided it was time to open the building up for in-person meetings with the understanding that the town would do its best to provide effective remote participation options.

March 16, 2020 East Montpelier Selectboard Order Regarding Municipal Operations During Covid-19 Pandemic

As Amended June 7, 2021, Revised June 15, 2021 and Further Revised June 21, 2021

By motion made by Ms. Dillon, seconded by Mr. Jewett, and passed unanimously, in response to the Covid-19 pandemic, for the health and safety of town residents and the community at large the East Montpelier Selectboard orders the following:

As of June 22, 2021, the March 16, 2020 East Montpelier Selectboard order and subsequent amendments are replaced by the following order designed to guide municipal operations moving forward:

- **The town office building will be open for limited access to the public until further notice; unless all persons present in a room are known to be fully vaccinated, mask use and social distancing are required.**
- **The town office staff will continue to maintain the normal office schedule, will provide services to the public by email, telephone and, on a limited access basis, in person, and will allow limited, one-at-a-time access to the land records.**
- **The front door of the town office building will be unlocked during normal business hours; movement within the town office remains restricted; the back door will remain locked.**
- **The road crew will continue to provide necessary services while limiting contact with the public.**
- **The town office building is open for in-person town committee/commission/board meetings and public events; town committee/commission/board meetings and public**

events may be held at other facilities, subject to the rules of those facilities, and may be held outdoors without limitation.

- **Remote meetings in compliance with the Vermont Open Meeting Law may be hosted at the town office building; further, the town office building can serve as the required physical meeting location for members of the public to attend and participate in a remote meeting.**

The board decided to return to in-person meetings, starting with the board's next meeting on July 12, 2021. The intention is to continue to provide remote participation options, generally utilizing Zoom conferencing services. The board will revisit the issue at its July 12th meeting.

Access Permits

- **21-041; Work in ROW Request for 1320 Horn of the Moon Road**
 - This application is to direct bore under the road from the utility pole on the south side of the road to the north side for the installation of conduit to facilitate electrical service upgrades. This is in support of a new solar array being installed on the Andersen property at 1320 Horn of the Moon Road.
 - Road Foreman Perry recommends approval with the condition that the conduit be more than 3 feet below the surface of the road.
 - **Motion: To approve the work in the right-of-way request as presented and to authorize Chair Gardner to sign the permit on behalf of the board.** Made by Mr. Etnier; second by Mr. Jewett. Passed unanimously.
- **21-038 & 21-039; Cummings Farm LLC Curb Cuts for Proposed Subdivision**
 - These applications are for new curb cuts in support of a subdivision of a 6.75-acre parcel that runs between Cummings and County Roads. Application 21-038 is for Lot 1, which includes all the land along Cummings Road, and 21-039 is for Lot 2 with all the land along County Road. Lot 1 is a building lot while Lot 2 will likely remain undeveloped. Any Lot 2 approval would need to come back to the board if development is intended.
 - Road Foreman Perry recommends approval. The existing curb cuts on this parcel, approved in 2019, were never developed and the permits will be voided by the approval of application 21-038.
 - **Motion: To approve the requested curb cuts as presented and to authorize Chair Gardner to sign the permits on behalf of the board.** Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

Consideration of Employee Pay Rates for FY2022 **[Potential Executive Session]**

This item is for discussion on and the likely adoption of the FY2022 pay rate schedule for town employees.

Motion: To enter executive session to discuss personnel matters in accordance with 1 V.S.A. §313(a)(3). Made by Mr. Etnier; second by Ms. Dillon. Passed unanimously.

The board entered executive session at 8:03 p.m. and exited at 8:15 p.m.

Motion: To approve the employee pay rates for FY2022 as presented. Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.

Warrants

➤ June 21, 2021 Regular Warrant for Approval

- Board members reviewed the warrant. Following a protocol developed at the board's April 13, 2020 meeting to deal with the difficulties inherent in individually signing a warrant during a remote meeting, board members decided to approve the warrant by motion and have Chair Gardner sign the warrant as certification of the board approval.
- **Motion: To approve the June 21, 2021 expense warrant and authorize Chair Gardner to sign the warrant on behalf of the board.** Made by Mr. Jewett; second by Mr. Etnier. Passed unanimously.

Town Administrator Report

- Notice of Central VT Cycling Tour Event on June 27, 2021:
 - The Cross VT Trail Association has provided notice detailing its annual fundraising event operated out of Morse Farm and utilizing a number of local roads.
- Delinquent Tax Update:
 - The current unpaid property tax stands at \$137,138 compared to \$220,011 in 2020, \$160,980 in 2019, \$173,200 in 2018, \$172,365 in 2017 and \$204,839 in 2016.
- Meeting Schedule:
 - July 12, 2021 6:30 pm Selectboard "special" regular meeting
 - August 2, 2021 6:30 pm Selectboard regular meeting
 - August 12, 2021 7:00 pm Tentative – EMFD update at ESF

Zoning Administrator Report

- There were 5 new zoning permit applications since the June 7th SB meeting. There have been 41 applications so far in 2021.
- The next DRB meeting is scheduled for July 6, 2021. There are two warned hearings, including a 2-lot subdivision of the Cummings Farm LLC parcel between Cummings & County Roads and a building & business expansion at 1528 US Rte. 2 (Demers Auto & Green Mountain Day Spa).

Motion: To adjourn. Made by Mr. Jewett; second by Ms. Dillon. Passed unanimously.
Meeting adjourned at 8:25 p.m.

Respectfully submitted by Bruce Johnson, Town Administrator

Approved: July 12, 2021 East Montpelier Selectboard meeting